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1 correct?  
 2 A. Correct.  
 3 Q. Was it your understanding when you came back  
 4 at Mr. Haskell's request in 1979 that you were not  
 5 considered a participant in any of the company's  
 6 employee benefit programs?  
 7 A. Correct.  
 8 Q. So you did understand that at that time?  
 9 A. That's what I believed, yes.  
 10 Q. Do you recall, when you first returned and  
 11 you were working on these projects, was there an  
 12 hourly rate? Well, strike that.  
 13 What was the basis of your payment?  
 14 A. It was based on an hourly rate.  
 15 Q. What was the hourly rate, if you recall at  
 16 that time?  
 17 A. I believe we stated it was like seven  
 18 dollars and something an hour somewhere.  
 19 Q. Do you recall if it was a higher rate than  
 20 the rate you had been paid when you were an  
 21 employee?  
 22 A. No.  
 23 Q. Do you recall what the rate was that you  
 24 were paid at, at the time you left employment in

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1 early 1979?  
 2 A. I don't really remember.  
 3 Q. But you don't have any memory one way or  
 4 another as to whether, let me make sure I finish the  
 5 question, as to whether the rate you were paid upon  
 6 your return was different than the rate you were  
 7 paid upon your departure?  
 8 A. I don't recall.  
 9 Q. You submitted invoices from Gavin Associates  
 10 at first?  
 11 A. Correct.  
 12 Q. How frequently did you submit invoices?  
 13 A. After a job was completed.  
 14 Q. When you first returned to provide services  
 15 for Honeywell at Mr. Haskell's request, how many  
 16 hours did you spend on the projects that he asked  
 17 you to come back to work on?  
 18 A. They varied from job to job.  
 19 Q. Was it full time?  
 20 A. Yes -- not at first it wasn't, no.  
 21 Q. Regardless of the length of each particular  
 22 project, you sent an invoice under Gavin Associates'  
 23 name for each project?  
 24 A. Not for each project.

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1 Q. How did you send the invoices?  
 2 A. Per purchase order.  
 3 Q. Per purchase order, okay. Were purchase  
 4 orders and projects not the same thing?  
 5 A. No, they weren't.  
 6 Q. Was there one purchase order per project or  
 7 how did that work?  
 8 A. No, it depended on the job. Usually  
 9 whatever they could fit on it.  
 10 Q. Would you know the amount of the purchase  
 11 order before you began providing services?  
 12 A. No.  
 13 Q. Are you familiar with a company known as  
 14 Sullivan & Cogliano?  
 15 A. Yes.  
 16 Q. Did you have any sort of relationship with  
 17 them at all?  
 18 A. Yes.  
 19 Q. What was that relationship?  
 20 A. I was asked by John Haskell to go through  
 21 Sullivan & Cogliano so they could provide pay  
 22 through them by way of Honeywell to --  
 23 Q. Go ahead.  
 24 A. To -- the reasoning being they could not

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1 hire me back directly for one year. So I had to go  
 2 through an agency.  
 3 Q. When you say "the reasoning," was that what  
 4 Mr. Haskell told you?  
 5 A. Yes.  
 6 Q. Do you recall specifically what he said?  
 7 A. Basically what I said. I don't know the  
 8 exact words, but that company's policy was not to  
 9 re-hire people for one year after they leave on  
 10 their own.  
 11 Q. At the time you had that conversation, did  
 12 you understand that Honeywell was proposing to bring  
 13 you back as an independent contractor?  
 14 A. Again, time frame, I was not aware of how  
 15 long this was going to go on.  
 16 Q. I'm not sure that -- you indicated that  
 17 Mr. Haskell told you that because of a company rule  
 18 as to bringing people back within a year, you had to  
 19 be employed or work through Sullivan & Cogliano,  
 20 correct?  
 21 A. Correct.  
 22 Q. At the time of that discussion, was it your  
 23 understanding that Mr. Haskell was proposing to  
 24 bring you back as an independent contractor?

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<p style="text-align: right;">Page 66</p> <p>1 A. During that time or --</p> <p>2 Q. Yes.</p> <p>3 A. Yes.</p> <p>4 Q. How long did you actually do work for</p> <p>5 Honeywell through Sullivan &amp; Cogliano?</p> <p>6 A. Approximately one year.</p> <p>7 Q. During the time you were providing services</p> <p>8 through Sullivan &amp; Cogliano, had Gavin Associates</p> <p>9 been created by then?</p> <p>10 A. Yes.</p> <p>11 Q. Were you sending invoices --</p> <p>12 A. Oh, excuse me. No, they were not created by</p> <p>13 then.</p> <p>14 Q. I just want to get the chronology right.</p> <p>15 Did you end up providing services through Sullivan &amp;</p> <p>16 Cogliano?</p> <p>17 A. To Honeywell, yes.</p> <p>18 Q. Yes, okay. Was Sullivan &amp; Cogliano treating</p> <p>19 you as an employee or as an independent contractor?</p> <p>20 A. I believe an employee.</p> <p>21 Q. Do you have any memory of that at all?</p> <p>22 A. They withheld taxes, if that's what you</p> <p>23 mean.</p> <p>24 Q. Okay. At some point you stopped becoming --</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Change in what respect?</p> <p>2 Q. In any respect, other than the name change.</p> <p>3 A. No.</p> <p>4 Q. Do you receive any benefits as an employee</p> <p>5 of Sullivan &amp; Cogliano?</p> <p>6 A. I believe they had an employee policy of</p> <p>7 providing vacation days, but I never got to that</p> <p>8 point.</p> <p>9 Q. You weren't there long enough?</p> <p>10 A. Correct.</p> <p>11 Q. Now, how about health insurance or any other</p> <p>12 benefits?</p> <p>13 A. I don't remember.</p> <p>14 Q. Other than changing from the relationship to</p> <p>15 providing services through Sullivan &amp; Cogliano when</p> <p>16 you began providing services through Gavin</p> <p>17 Associates, was there any other change in terms of</p> <p>18 the services you provided to Honeywell?</p> <p>19 A. No.</p> <p>20 MR. DONOGHUE: Can I take about two</p> <p>21 minutes?</p> <p>22 MR. WILGOREN: Why don't we take about</p> <p>23 five minutes.</p> <p>24 (Whereupon, a recess was taken)</p>
<p style="text-align: right;">Page 67</p> <p>1 you stopped providing services through Sullivan &amp;</p> <p>2 Cogliano, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Is that the time when Gavin Associates came</p> <p>5 into being?</p> <p>6 A. Yes.</p> <p>7 Q. For how long -- your testimony was that was</p> <p>8 approximately a year after you returned to</p> <p>9 Honeywell?</p> <p>10 A. Yes.</p> <p>11 Q. So is it fair to say that was approximately</p> <p>12 1980?</p> <p>13 A. It's fair to say, yes.</p> <p>14 Q. So was Gavin Associates created in 1980,</p> <p>15 approximately?</p> <p>16 A. Approximately.</p> <p>17 Q. How long was it before Gavin Associates</p> <p>18 became Gavin Studio?</p> <p>19 A. Again, I'm not sure exactly, but it</p> <p>20 wasn't -- I don't remember what I answered awhile</p> <p>21 ago.</p> <p>22 Q. Other than the name change, was there any</p> <p>23 other change when Gavin Associates became Gavin</p> <p>24 Studios?</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Mr. Gavin, I should have mentioned this</p> <p>2 before. When we take breaks, you realize when we</p> <p>3 come back, you're still under oath? You understand</p> <p>4 that?</p> <p>5 A. I understand.</p> <p>6 Q. When you came back to Honeywell in '79, were</p> <p>7 your projects assigned to you by Mr. Haskell?</p> <p>8 A. Yes.</p> <p>9 Q. Were they assigned to you on a</p> <p>10 project-by-project basis?</p> <p>11 A. It varied.</p> <p>12 Q. Okay. Explain the variation to me, then.</p> <p>13 A. There was a job pile. Again, they were</p> <p>14 doing numerous publications of various types, tech</p> <p>15 manuals and product briefs. And when they were</p> <p>16 ready to be pasted up, they would end up in a pile.</p> <p>17 If you had something -- if you had a free moment,</p> <p>18 like you completed another job, you would just grab</p> <p>19 the next one.</p> <p>20 Q. Did you have any sort of a formal</p> <p>21 description of your work position or your job at</p> <p>22 that point?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Were there other people at the time --</p>

18 (Pages 66 to 69)